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TAGS: [PREL](#) [PGOV](#) [SR](#)
SUBJECT: SERBIA: NATIONAL ASSEMBLY MAKES FIRST JUDICIAL REFORM
APPOINTMENTS

REF: A) BELGRADE 1284 AND PREVIOUS,; B) BELGRADE 258

Summary

11. (SBU) The Serbian National Assembly November 30 confirmed the first round of judges and public prosecutor selections required by judicial reform legislation. The judge and prosecutors appointed to several high-profile positions are highly respected professionals. Rumors persist that there are lists of politically unacceptable individuals who will not be selected. Remaining judge and prosecutor selections will occur by January 1, 2010, when full implementation is required. While we were pleased to see several highly competent individuals - many of whom are excellent contacts - appointed, the government will need to educate the public about the reasons for these changes in order to foster greater confidence in the judicial system. End Summary.

Prosecutors, High Court Judge Selected

12. (U) The National Assembly confirmed the first round of judge and prosecutor selections required by Serbia's judicial reform legislation (Ref A) on November 30. The State Prosecutorial Council (SPC) and the High Court Council (HCC) had selected the nominees for Assembly confirmation from thousands of both sitting judges and prosecutors and first-time applicants. Appointments included several high-profile positions and many, but not all, of the prosecutors for the new court system. The current acting Supreme Court President Nata Mesarovic was elected President of the new Supreme Court of Cassation, which will be the highest court. Zagorka Dolovac will replace acting Republic Public Prosecutor Slobodan Radovanovic. Vladimir Vukcevic will continue as War Crimes Special Prosecutor, and Miljko Radisavljevic will continue as Organized Crime Special Prosecutor.

13. (SBU) All of the high-profile appointees are well-respected professionals. Mesarovic has had a long career in the judiciary and most notably presided over the panel of judges that rendered the guilty verdict in the case of the assassination of Prime Minister Djindjic. As acting President of the Supreme Court, she is President of the High Court Council, a position she will retain. Dolovac is acting Belgrade District Public Prosecutor and most

recently was heavily involved in the Kovacevic case (Ref B). Vukcevic and his office have been highly praised for professionally and vigorously prosecuting war crimes cases, regardless of the ethnicity of the alleged perpetrators or victims; he is also respected for his work on Serbia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Radisavljevic is recognized for significantly increasing organized crime prosecutions, including prosecuting politicians, and observers are particularly pleased at his reappointment.

Surprises and Rumors

14. (SBU) Of equal note is the talk about which judges and prosecutors will not receive appointments. OSCE Serbia Rule of Law and Human Rights head Ruth Van Rhijn told us that highly respected current president of the Belgrade District Court (which includes the Special Court for War Crimes and Organized Crime) Sinisa Vazic had made it "widely known" that he was not interested in continuing as court president and would be seeking a position as judge. Vazic is particularly highly regarded for his work with the Special Court at a time of minimal support from the Justice Minister. Mesarovic's predecessor as Supreme Court President, Vida Petrovic Skero, who had been a strong and very visible advocate for judicial independence, reportedly did not apply for any judgeship.

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15. (SBU) Rumors continue that there are lists of individuals who are considered unacceptable for appointment, either because they are "known" to be inept or corrupt or because the government considers them politically undesirable. OSCE Judicial Reform Legal Adviser Mato Meyer told us that one prosecutor well-regarded in the donor community for her work on judicial reform would be demoted to deputy prosecutor due to political factors.

Next Steps

16. (U) The HCC and SPC now need to complete their review of applications for judges and prosecutors. The National Assembly will then need to confirm any first-time candidates; selections of sitting judges and prosecutors do not require confirmation. Mesarovic announced in a December 2 interview with daily Politika that 90% of the judge elections had been made, and the HCC would announce its decision in the next 10-12 days. The HCC also must select 4,500 lay judge positions and cut 2,000 out of 13,000 court personnel slots required as part of the Justice Ministry's budget-trimming exercise. The transfer of case files and archives to the new court locations, which began December 1, also needs to be completed. Mesarovic cautioned that from December 15 through the end of the year, work at the courts would slow to a near standstill due to the transition and the full benefits of judicial reform would take two to three years, as personnel and citizens adjusted to the new system. The law requires that the selections and implementation of the new system be completed by January 1, 2010.

Comment

17. (SBU) This round of selections is encouraging, and we are

pleased to see so many energetic professionals, who have also been exceptionally good contacts, continue in their work. We take the rumors of political lists with a grain of salt. Some who did not reapply for positions may not have wanted to adjust to the new system, which imposes additional responsibilities on judges and prosecutors. Had the process been purely political, candidates such as Radisavljevic - who has prosecuted numerous corrupt politicians - would likely not have been reappointed. The rushed nature of the selection process and the lack of transparency undoubtedly contributed to these rumors, which highlight the need for the government to better explain to the public the transition and why the disarray caused by judicial reform will be worth it in the long run. Serbians have a well-founded mistrust of the judicial system following decades of corruption and political subservience of the judiciary. Only a successful restructuring combined with a vigorous public education campaign can overcome this legacy. End Comment.

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